Revenue (1946) Depart[redacted]

Ms. [redacted].

G.O. No. 2210,

Date 8th October 1946.

[Despatch Abstract.]

Alienation - Land - (South Kanara) - Karkal taluk - Kukkundur village - S. No. 233/1A and the plot of land adjacent to it - Playground for Sri Durga Higher Elementary School Petition from the Manager and Correspondent, Sri Durga Higher Elementary School, Kukkundur - Orders passed.

Book Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
~~2188~~ Mo	2188	Rev.	19-9-47				

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Secretary, Revenue D

For an early re

24.5.40

To

The Honourable Minister,

Revenue Department,

Government of Madras, MADRAS.

The Humble petition of

K.Narayana Rao, Manager,
Sri Durga Higher Elementary School, Kukkundoor
Karkal Taluk, Post KARKALA, South Kanara, Dt.

Respected Sir.

I beg to bring to your kind notice that I am the Manager of the Sri Durga Higher Elementary School Kukkundoor The said institution came to my management in the year 1930, in the status of a lower elementary school with 4 standards.

With great difficulty I tried to improve the school, being all the while engaged in my medical profession, and brought it to the status of a Higher Elementary School with a permanent recognition in the year 1934.

The school grow in strength as years passed by, and the playground was not sufficient to cope with the strength of the school. With a view to remedy this defect, I applied for dharkast of land in S.No.286 of Kukkundoor village, Karkal Taluk, adjoining the school compound in the western side on 3.8.1939.

Since the plot asked for was for a public purpose, the Tahsildar, directed me to apply for the land for alienation under note 4 B.S.O.21 as per his order dated 12.8.1939 L.Dis. 4887-39.

As per the above direction, I sent the petition for alienation on 21.10.'39, through the proper channel. Some of the neighbouring persons at the active instigation of Rathi Shedthi and her relatives worked against the institution and started a rival school in the vicinity within a few yards distance

from the above school and induced the teachers of my institutim to go over to the rival school, as a result of which the strength of my school fell and the Revenue Divisional Officer Coondapur refused to recommend the play-ground plot for the said purpose, as per R.C.No.317-D-40 dated 9.4.40 and R.O.C.No.170-1/40 dated 18.5.40. The rival school ~~school~~ did not continue for long and the efforts of the agitators failed, and my school slowly regained its strength, but at very heavy cost to me individually.

In the year 1942, the school regained its full strength and was working with 10 teachers' in its staff; the want of a playground for the school became an emergency then, and in order to cope with the demand, I sent an application for alienation proceedings dated 20.10.1942, asking for one acre or plot for the purpose of playground for the school.

The authorities acting upon my petition sub-divided the plot No. 286 of Kukkundoor, and the divided portion has been assigned S.No.233/2B and 233/2A. I was directed to send a revised application for grant of S.No.233/2B by the Tahsildar Karkal, as per L.Dis.5658/43 dated 16.7.1943.

As per the above order, a revised application has been submitted for grant of alienation of land of S.No. 233/2B and 233/2A. of Kukkundoor village, Karkal Tq.

The neighbouring vargadar, Rathi Shedthi and her father Ramanna Shetty, who are residing near the plot, have take into collusion the village officers and with a view to reach at the plot and see that it is not granted for the school, have put up a raise case of encroachment, and the authorities who are more favourable to the person in the locality than myself, who is generally outside the station as an Inspector in the New Guard of India Life Insurance Company Ltd., Madras, have reported that there is encroachment and in addition they have also stated that there is Hakku cultivation and on the strength of that report, the Collector has ordered that unless the encroachment is remov

the plot cannot be alienated for the purpose of the playground and ordered the removal of the encroachment of the said Rathi Shedthi, as per collector's proceedings Xl.Dis.No.1628/45 dated 31.5.45.

I beg to bring to your kind notice that this theory of encroachment is absolutely false and there is no encroachment at all. In this connection I may be permitted to draw your honour's attention to the order of the Tahsildar ordering the said Rathi Shedthi not to encroach upon the said plot in D.R. No.2/50 dated 21.7.1940. Although the above said order for removal of alleged encroachment was passed about a year back, the authorities have not moved in the matter, and the above said Rathi Shedthi is having the full sympathy of the local officers who do not intend to move in the matter of the alleged encroachment. Although I specially requested the Tahsildar to give me notice when he personally inspected, the locality , I learn that he has done the same without intimating to me and has drafted a report partial to the said Rathi Shedthi, thus giving me no chance to express my part of the case.

I regret very much to express my misfortune, that I was not able to get one acre of waste land for the last 7 years for a public purpose- a school playground- when the land belongs to the Government. The proceedings now started for alienation of the said plots do not give me any right in the said plots except for the limited purpose for which they are assigned; and if persons like Rathi Shedthi, who were parties to the previous proceedings, and who allege that they have encroached upon the plot even if there was a specific order to the contrary, are to be heard and are to succeed for the breach of the order- it will be hard upon a law abiding person like myself to appreciate the justice of these proceedings.

I humbly pray that the justice of my case may be

appreciated and the public purpose for which I have been fighting for the last several years might be upheld, and the S.No.233/2B and the S.No.233/2A. demarcated by the Taluk Surveyor may be granted for the purpose of the school playground

For which act of kindness and public spirit,

I beg to remain,

Respected Sir,

Your obedient servant,

Camp: Coondapur.
Dated: 19.5.46

Manager,& Correspondent
Sri Durga Higher Elementary School
Kukkundoor, S.K.

Rev. Dept

Issued on 19/8
Returnable by 5/9/46

Application — Land (S. Kanara) Karwar Taluk
Playground for Sri Durga Higher Elementary
School, Kukkundur — Reg.

Mr 1-4 C.F.

Petition from Dr. K. Narayana Rao, Manag
dt. 19.5.46

Endt no. 2118-F/46-1 dt 5/8/46

A copy of the petition cited above
is forwarded to the Coll^r of South Kanara
for an early report through the Board of
Revenue

5.6.46 5/6/46

No minutes
at p1 C.F.
21
6/8/46

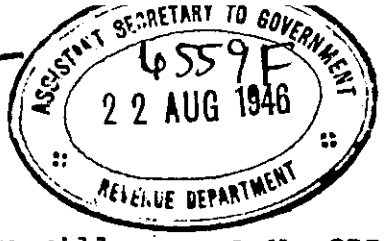
The Coll^r of South Kanara
(by the Bd of Rev
with ends
Bd (vide)
dt 7-6-46

petition traced on 15/9/48

REVENUE DEPARTMENT

b

F1



Subject

ALIENATION - Land - Karkal taluk - Kukkundur village - S.No.233/1A Play-ground for Sri Durga Higher Elementary School - Petition - Report submitted.

Ref.No.E.2020/46-2.

Station:-Madras. Dated 17th August 1946

From

G. Venkateswara Ayyar Esq., O.B.E., I.C.S.,
Secretary, Board of Revenue, Madras.

--

E.M. Gawne Esq., C.S.I., C.I.E., I.C.S.,
Commissioner of Land Revenue, Post War Reconstruction and Commercial Taxes.

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Read:- Government Endt.No.2118-F/46-1, Revenue, dated 5-6-1946.
From the Collector of South Kanara D.Dis.5749/46, dated 23-7-1946.

--

REFERENCE:

Submitted to the Government.

2. S.Nos.216/3 and 4 are unsuitable in shape for playground The Board considers that their use for garden need not therefore be objected to. It is also of the opinion that if the School has the support of the educational authorities, S.No.233/1A for the

the alienation of which the Manager of the School has now applied seems the obvious plot to be reserved for playground because it is a good shaped plot behind the school and not an odd-shaped plot between the school and the road, as is the case with S.Nos.216/3 and 4.

As the land applied for alienation is dry land outside Karkal town and with no road frontage, it cannot really be called valuable.

for Secretary.

To

The Secretary to Government, Revenue Department (with Collector's letter D.Dis.5749/46, dated 23-7-46 ... original - and enclosures (1) File E.C.18/54 (2) Collector's L.Dis.1628/46 (3) Collector's D.Dis.2498/46 (4) one sketch.- to be returned)

PVV.17.8.

D.Dis.5749-46. South Kanara Collector's Office
Mangalore, dated 27-7-1946.

From

S. Bhoothalingam, Esq., O.B.E., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Government of Madras,
Revenue Department.

Through

The Secretary to the Board of Revenue,
Land Revenue & Irrigation, Madras.

Sir,

ALIENATION - Land - Karkal taluk - Kukkundur village - S.No.233/1A - Play-ground for Sri Durga Higher Elementary School - Petition - Report submitted.

Endorsement No.2118 F/46/1 dated 5-6-46 from the Government of Madras, Revenue Department.

The petitioner Sri K. Narayana Rau, is the manager of the Sri Durga Higher Elementary School, Kukkundur, in Karkal Taluk. The school is situated in S.No.216/2 of Kukkundur village, which is the private land of the petitioner. He also possesses the adjoining plots, S.Nos.216/3,4,1F and 217/2, measuring in all 1.23 acres in a contiguous block round about the School. In addition to this he applies for the alienation of S.No.233/1A for the purpose of a play-ground to be attached to the school.

2. S.No.233/1A stands registered as assessed waste dry in the revenue accounts and measures 1.55 acres in extent. It is purely non-kumki land, situated outside the limits of Karkal town. One Kathi Shedthi, the registered holder of the adjacent warg lands, has encroached upon this plot by enclosing it with a mud wall and planting a few cashew plants. As the encroachment was found to be an old one, made prior to 1938, eviction proceedings were dropped and the occupation was charged under Village Account Nos. 2 and 7. The encroacher was also informed that the occupation of the land would not confer on her any preferential title to its assignment in her name and that the land would be liable to be disposed of by the Government at any time, according to their pleasure.

3. The petitioner applied for the assignment of about 5 acres of land in the vicinity of the school in 1942. The then Tahsildar who inspected the plot had opined that the school was in need (only) of only about 50 cents of land for the purpose of a play-ground for the school. Encroachment proceedings were therefore instituted in (S)- Taluk E.C.18/54 to evict the occupier from S.No.233/1A. Meanwhile, the petitioner applied for the alienation of the plot but as the encroachment was not got removed, he was asked in this office Proceedings L.Dis.1628/45 dated 31-5-1945 to renew the application after the encroacher was evicted from the land. In the course of enquiry into this petition the Revenue Divisional Officer, Coondapur, after a personal inspection of the plot exposed the petitioner's methods. He pointed out that S.No.216/3, assigned to him for the purpose of locating the school and play-ground had been misused for raising cocoanut trees. He is also stated to have encroached upon a portion of road poramboke in S.No.217/1A and planted some garden trees in it.

Mr 97-98 C.R.Q(T) vide p.89 C.R.Q(T)

Mr 1-3C.B of (L) Ar 15-16C.B of (L)

4. The petitioner again applied for the alienation of S.No. 233/1A in March last. The present Tahsildar of Karkal Taluk after a personal inspection of the locality reported that the petitioner had made use of his private lands, which form a compact block, for raising a cocoanut tope, instead of reserving the land for a play-ground. As his attempt was obviously to get more land, the Tahsildar proposed to reserve the plot for disposal in public auction, as the land being situated in an important locality, close to the limits

p.t.o.

of Karkal town, is specially valuable. Accordingly, the petitioner was informed, in this office proceedings D.Dis. 2498-46 dated 20-5-46, that the land applied for by him was not available for being alienated in favour of the School and the Tahsildar was asked to get the encroachment removed expeditiously and dispose of the plot inpublic auction -- after the ban on assignment is removed.

5. The connected records of E.C. 18/54, L.Dis. 1628/45, D.Dis.2498/46 and an illustrative sketch of the plot are enclosed.

For Collector

Pl. issue T. Appl. for ex. file
C No. 2118 T/46

Revenue Dept.

Read also.—

From the Manager and Correspondent, Sri Durga Higher Elementary School, Kukkundur petition dated 19/5/46.

From the Bd. of Rev, Ref. No. E. 2020/46-2 dated 17/8/46.

G.O. Ms. No. 2213 dated 8.10.46.

In the circumstances stated, the Govt. agree with the Board of Revenue that the use of S. Nos. 216/3 and 4 of Kukkundur village for garden need not be objected to and that S. No. 233/1A of that village should be reserved for use as playground by Sri Durga Higher Elementary School. The Govt also consider that the plot of land which is adjacent to S. No. 233/1A and which is now marked as S. No. 233/1B in the enclosed sketch should also be alienated in favour of the school. They accordingly direct that steps should be taken to alienate, subject to suitable condition S. No. 233/1A and the plot of land marked as S. No. 233/1B-1 in the enclosed sketch in favour of the Sri Durga Higher Elementary School, Kukkundur after evicting the present encroacher on S. No. 233/1A, namely, Rathi Sheathi.

2/. In the eye-sketch at p 79 of Sattur Kavara Collector's L. Dis. No. 1628/45 dated 31/5/45, the S. No. adjoining the school is shown as 233/1C but in the sketch sent with the Board's letter read above, it is shown as 233/1A. It is presumed that the correct S. No. of the land is 233/1A.

Kem 9/10/46 7.10.46

7/10/46

To the Bd. of Rev (with records & sketch retd)
(T) (L) (S) & (R)
Copy to the Manager & correspondent, Sri Durga Higher Elementary School, Kukkundur (para 1 only)
Copy to the C & A. G. H Secy

Revenue Dept

Alienation - Land - (S. Kanara) - Kasbat Tsmk - Kudkumbur village - S. No. 233/1A - Playground for Sri Durga Higher Elementary School - Petition

CM. 2118F/46

pp 1-4 c B [Petition dated 19/5/1946 from Sri K. Narayanarao - Manager, Sri Durga Higher Elementary School, Kudkumbur

p 5 C. B [Govt. Endt No. 2118F/46-1 Rev. dated 5/8/1946

[From the Board of Rev, Rep. No. E. 2020/46-2 dated 17/7/1946

J o w. S.

— - please see the petition of Sri K. Narayanarao Manager, Sri Durga Higher Elementary School, to Kudkumbur on pp 1-4 c. B, the Endt on p 5 C. B the Board's repce on pp 6-7 C. B and the Collector's report on pp 8-9 C. B.

2/. Sri K. Narayana Rao, Manager and Correspondent, Sri Durga Higher Elementary School, Kudkumbur village in the S. Kanara Dt requests that S. Nos. 233/2 B and 233/2 A of Kudkumbur village may be alienated to the School for the purpose of a playground. The site applied for by him is S. No. 233/1A which is shown in the sketch at (R). In March 1946, the petitioner Manager applied to the Collector for the alienation of this S. No. The Collector's report on pp 8-9 C. B gives a history of the case. For the reasons stated in paras 3 and 4 of his report on pp 8-9 C. B, the Collector informed the petitioner that the land applied for by him was not available for being alienated in favour of the school. But, for the reasons stated in para 2 of its repce on pp 6-7 C. B, the Board of Rev is of the opinion that if the School has the support of the Educational authorities, S. No. 233/1A for the alienation of which the petitioner

Vide pp 4 C. B

vide pp 1-3 C. B (L)

pl see also pp 17-18 C. B (L)

A

has now applied seems the obvious plot to be reserved for playground. It is for orders whether the recomendation of the Board may be accepted and the land in question alienated in favour of the school.

3/. The file may be sent to E & P.H. for remarks with reffce to 'A' above.

Board's proposal may be accepted

17/9/46 19.9.46

Please see page 89 (T). The plot SNo 233/1A - proposed by the Board for alienation to the school is now under the encroachment of one Rathi Shed thi. This encroachment will have to be evicted before alienation of the land to school. The collector may be asked to do this. There is a mud wall and some trees planted by the adjoining o Rathi Shed thi.

- There is also some confusion in the sketches. In the eyesketch at page 79 (T) the adjoining SNo adjoining to the school is shown as 233 but in the sketch at (R) it is shown as 233 TB Please clarify this point.

This has to be sent to E & P.H.

Dr 19.9.

This Supt admits this. It may be pointed out in the draft orders

S

Ag 19/9/46 E&P.H.

E&P.H. C T

Rev. w.c. M. 2118 F/46-3

21 SEP 20/9/46

May be perused and returned to the Rev. Dept. The D.C.O, South Kanara has recommended the application for alienation. 55[illegible] L .3.9.46. Please see page 89 of the papers at (T)

Mon 23/9/46. 24/9/46 25-9

ASSISTANT SECRETARY TO GOVERNMENT 5336F 20 SEP 1946 REVENUE DEPARTMENT

Revenue

Edn n.o 5500-61/46 27.9.46

Revenue Dept.

To C.S.

please see the notes on pages 1-2 ante. A draft order is submitted for approval. ~~C.O.P.H and Finance may see before circulation to H.M(Rev)~~

KMR 1/10/46 R 1.10.46 Dh 1/10/46 S

Uh 4/X/46

rec'd 3-10-46

H.M(Rev)

I agree to the Bd's proposal to assign 233/1A. But I do not see why 233/1B should not be assigned in preference to 'R' should it materialise in the event of the proposed encroachment. The alleged encroacher has no right to be there. The Bd may however assign both these to the school. KAH 4/10/46

Please amend draft accordingly

Dh 5/10

SECRETARY TO GOVERNMENT 6 OCT 1946 REVENUE DEPARTMENT

To C.S.

With refce to orders above, a revised draft order is submitted for approval

KMR 7/10/46 R 7.10.46 Dh 5/10/46

Recd on 7/10/46